

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Case No: 24-cr-0087 (NEB/DJF)

Plaintiff,

**ORDER ON SECOND MOTION
TO EXTEND DEADLINE
TO FILE MOTIONS**

v.

Erick Duray Russell,

Defendant.

This matter is before the Court on Defendant Erick Duray Russell's Second Motion to Extend Deadline to File Motions (ECF No. 18), which seeks an extension of time until September 9, 2024 to file pretrial motions, to continue the motion hearing, and to exclude time from the Speedy Trial Act calculations in this case. As grounds for the requested continuance, defense counsel states that, due to circumstances beyond his control, additional time is needed to review discovery. He specifically notes that jail policy has impeded his access to discovery materials. The motion is not opposed by the Government. Having reviewed the motion (ECF No. 18) and the Statement of Facts (ECF No. 19), and finding good cause,

IT IS HEREBY ORDERED that Defendant's Second Motion to Extend Deadline to File Motions (ECF No. 19) is **GRANTED** as follows:

1. Defendant's pretrial motions must be filed and served consistent with Federal Rules of Criminal Procedure 12(b) and 47 and Local Rule 12.1(c) on or before **September 9, 2024**.
2. **Counsel must electronically file a letter on or before September 9, 2024 if no motions will be filed and there is no need for hearing.**

3. All responses to motions, along with a Notice of Intent to Call Witnesses, must be filed by **September 23, 2024**, in accordance with Local Rule 12.1(c)(3)(A).
4. Any Responsive Notice of Intent to Call Witnesses must be filed by **September 26, 2024**, in accordance with Local Rule 12.1(c)(3)(B).
5. The motions hearing currently scheduled for **July 31, 2024 at 2:30 p.m.** is **CANCELED**.
6. A motions hearing will be held pursuant to Federal Rules of Criminal Procedure 12(b) and (c) if:
 - a. The United States makes timely disclosures and the Defendant identifies in the motions particularized matters for which an evidentiary hearing is necessary; or
 - b. Oral argument is requested by either party in its motion, objection or response pleadings.
7. If required, a motions hearing will be held before Magistrate Judge Dulce J. Foster on **October 1, 2024 at 2:30 p.m., in Courtroom 8E**, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota 55415.
8. Trial and trial related dates to be set by separate Order.

Pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds the ends of justice served by granting a continuance outweigh the best interest of the public and Defendant in a speedy trial. This finding is based on all of the files and proceedings herein, including the facts set forth in the motion and the supporting documents. Accordingly, the period of time from **July 2, 2024**, the date the motion for continuance was filed, through **September 9, 2024**, the new motions deadline, shall be excluded from the Speedy Trial Act computations in this case.

Dated: July 3, 2024

s/ Dulce J. Foster

DULCE J. FOSTER

United States Magistrate Judge